



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



David W. Presby
Presby Construction Inc
RR 117 PO Box 617
Sugar Hill, NH 03585

LETTER OF DEFICIENCY
WD WWEB/R 04-01
March 16, 2004

**Subject: Presby Construction Septage Hauler Permit
Transporter Permit No. 73**

Dear Mr. Presby:

On March 08, 2004, personnel from the New Hampshire Department of Environmental Services (DES) received a report of a septage spill at the Littleton, NH Wastewater Treatment Facility. Bill Gilpatric, Plant Manager, Aquarion Services, (contract operator for the Town of Littleton WWTF) reported that a septage transport vehicle operated by Presby Construction Inc (driver Glen McCoshan) had a valve malfunction, discharging approximately half the contents of the tank onto the ground when the valve was uncapped. The septage that was spilled ran down the parking lot, into a stormwater catch basin discharging into an unnamed brook, and eventually into the Ammonoosuc River.

To date, DES Residuals Management Section has not received the required report from you.

As a result of the information, the following deficiency was noted

Notification to the Department by the permit holder was not received within 24 hours of the release.

Per New Hampshire Code of Administrative Rules, Chapter Env-Ws 1600 Septage Management, part Env-Ws 1605.12 Accidental Release.

(a) In the event of an accidental release of septage, the permit holder shall:

(1) Immediately take action to contain the septage, minimize the environmental impact, and begin clean-up procedures; and

(2) Notify the department within 24 hours of the release with the following information:

- a. The date, time, and location of the spill;
- b. The volume of septage spilled and the volume of septage recovered, both in gallons;
- c. The final disposition of the septage that was not recovered;
- d. The hauler's permit number and the name and telephone number of the driver involved in the incident;
- e. The name and telephone number of the client(s);
- f. The approximate distance to surface waters and storm drains within 100 feet of the spill;

- g. The actions taken to contain the spill, minimize the environmental impact and to clean up the area; and
- h. Future actions necessary to clean up the spill, if applicable.

DES believes the cited deficiency can be corrected and requests that Presby Construction Inc. submit a report within 45 days of receipt of this letter that supplies the required information per Env-Ws 1605.12, and describes the corrective measures taken. In the event compliance is not achieved within this period, DES may initiate formal actions against Presby Construction Inc., including issuing an order requiring the deficiency to be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of civil and/or criminal penalties.

A written report as requested above should be addressed as follows:

Timothy D. Sweatt
Residuals Management Section
NHDES Water Division
P.O. Box 95, 29 Hazen Drive
Concord, NH 03002-0095

If you have any questions regarding this letter, please call Tim Sweatt at (603) 271-2492.

Sincerely,

COPY

John R. Bush, P.E.
Administrator
Wastewater Engineering Bureau

cc: file/db
DES Legal Unit
Timothy Sweatt, RMS
Alexis Rastorguyeff, P.E., RMS